

## CHAPTER 925

H.B. No. 1957

An Act relating to the regulation of air conditioning maintenance work

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 2, Air Conditioning Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended by adding Subdivision (6) to read as follows.

(6) "Air conditioning maintenance work" means repair work and all other work required for the continued normal performance of a heating, ventilating, or air conditioning system. The term does not include the installation of a total replacement of the system or the installation of boilers or pressure vessels that must be installed by licensed persons pursuant to rules and regulations promulgated by the Texas Department of Labor and Standards under the Texas boiler inspection law, Chapter 436, Acts of the 45th Legislature, Regular Session, 1937 (Article 5221c, Vernon's Texas Civil Statutes).

**SECTION 2.** Section 6(a), Air Conditioning Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

- (a) This Act does not apply to a person who.
- (1) performs air conditioning work in a building owned solely by him as his home;
  - (2) performs air conditioning maintenance work if (i) the person is a maintenance man or maintenance engineer who is a regular bona fide employee of the property owner, the property lessee, or the management company managing the property where the air conditioning maintenance work is being performed, (ii) ~~if the person is regularly employed as a maintenance man or maintenance engineer or is licensed as a professional engineer under The Texas Engineering Practice Act, as amended (Article 3271a, Vernon's Texas Civil Statutes);~~ the work is performed in connection with the business in which the person is employed, and (iii) the person and the person's employer referred to in (i) above do ~~does~~ not engage in the occupation of air conditioning contracting for the general public;
  - (3) performs air conditioning contracting and is regularly employed by a regulated electric or gas utility;
  - (4) performs plumbing work and is licensed under The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes); ~~or~~
  - (5) assists in the performance of air conditioning work under the direct personal supervision of a licensee; or
  - (6) performs air conditioning maintenance work if the person is licensed as a professional engineer under The Texas Engineering Practice Act (Article 3271a, Vernon's Texas Civil Statutes), the work is performed in connection with the business in which the person is employed, and the person does not engage in the occupation of air conditioning contracting for the general public.

**SECTION 3.** Section 9, Air Conditioning Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 9. MUNICIPAL REGULATION. A license issued by a municipality of this state is valid under the terms of the license within that municipality. However, a ~~[A]~~ license issued under this Act is valid throughout the state, and the holder and people under supervision are ~~[is]~~ not required to hold a municipal license to practice air conditioning contracting in any ~~[a]~~ municipality within this state. ~~[A license issued by a municipality of this state is valid under the terms of the license within that municipality.]~~

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 24, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 1957 on May 26, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by the following vote: Yeas 26, Nays 2.

Filed: June 15, 1985, without signature.

Effective: August 26, 1985